

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                v.                                  ) CAUSE NO.: 2:16-CR-22-JVB-JEM  
                                )  
                                )  
DAVID VICTOR,    )  
                                Defendant.                                  )

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE  
UPON A PLEA OF GUILTY BY DEFENDANT DAVID VICTOR**

TO: THE HONORABLE JOSEPH S. VAN BOKKELEN,  
UNITED STATES DISTRICT COURT

Upon Defendant David Victor's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge John E. Martin on October 17, 2016, with the consent of Defendant Victor, counsel for Defendant Victor, and counsel for the United States of America.

The hearing on Defendant Johnson's plea of guilty was in full compliance with Federal Rule of Criminal Procedure 11 before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Victor under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Victor,

I FIND as follows:

(1) that Defendant Victor understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Victor understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Victor understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Victor understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Victor has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Victor is competent to plead guilty;

(6) that Defendant Victor understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Victor's plea; and further,

**I RECOMMEND** that the Court accept David Victor's plea of guilty to the offense charged in Count 3 of the Indictment and that Defendant Victor be adjudged guilty of the offense charged in Count 3 of the Indictment and have a sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Victor be adjudged guilty, sentencing before Judge Joseph S. Van Bokkelen will be set at a later date by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. *See 28 U.S.C. § 636(b)(1).*

So ORDERED this 18th day of October, 2016.

s/ John E. Martin

MAGISTRATE JUDGE JOHN E. MARTIN  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
Honorable Joseph S. Van Bokkelen